Docket No. 50439-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT:

Barstad et al.

4044

SERIAL NO.

09/605,442

GROUP:

1741

FILED:

June 28, 2000

EXAMINER: W. Nicholas

FOR:

ELECTROLYTIC COPPER PLATING SOLUTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

The undersigned declare as follows:

- 1. We are co-inventors of the above-identified patent application ("the patent application") assigned to the Shipley Company.
- 2. Prior to January 11, 1999, we conceived of, made and used electrolytic copper plating compositions that contained at least one copper salt, an electrolyte, and one or more brightener compounds in amounts greater than 1.5 mg per liter of the plating composition.

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- 3. Attached as Exhibits I and 2 are true and accurate copies of laboratory notebook records (notebook pages 22 and 23 respectively), with dates deleted, of such actual work discussed in paragraph 2 above and completed prior to January 11, 1999. For instance, those Exhibits 1 and 2 disclose use of a copper electroplating composition identified as Nanoplate

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		Stephane Minard	

Date: 10, 2004	James L. Martin
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Date:	Stephane Minard

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Barstad et al.

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Robert A. Schetty

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Docket No. 50439-2

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DECLARATION

I, Peter Corless, declare as follows:

- 1. I am an attorney of record of the above-identified application ("the application"), which has been assigned by all the inventors to the Shipley Company, L.L.C. A copy of the executed Assignment for the application is attached.
- 2. Named inventor Robert Schetty is no longer employed by the Shipley Company. I sent by Federal Express to the last known residence address of Robert Schetty a Declaration under 37 CFR 1.131 for the application for Robert Schetty's review and signature. That overnight mail included an envelope with postage pre-paid for the signed Declaration to be returned to me by overnight service. That correspondence to Robert Schetty was returned to me by Federal Express as being undeliverable.
- 3. Previously, in patent application number 09/957,218 also assigned to Shipley Company and having Robert Schetty as a named inventor, Robert Schetty refused to sign a Declaration under 37 CFR 1.63. An attorney of record in that case filed a petition (which was granted) to accept the Declaration under 37 CFR 1.63 without Robert Schetty's signature.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Date: February 13, 2004

Peter F. Corless

Attorney Docket No. 50439-2 Page 1 of 2

ASSIGNMENT

WHEREAS, I, Leon R. Barstad of Raynham, Massachuetts, I, James E. Rychwalski of Medway, Massachuetts, I, Mark Lefebvre of Hudson, New Hampshire, I, Stephane Menard of , I, James L. Martin of Merrick, New York, I, Robert A. Schetty, III of Fort Salonga, New York and I, Michael P. Toben of Smithtown, New York, (hereinafter referred to as "Assignors"), have invented certain new and useful improvements in "ELECTROLYTIC COPPER PLATING SOLUTIONS", for which an application for United States Letters Patent was filed on June 28, 2000 and assigned U.S. Serial No. 09/605,442 which application claims priority of U.S. Serial No. 09/313,045, , filed May 17, 1999, and

WHEREAS, Shipley Company, L.L.C., located at 455 Forest Street, Marlborough, Massachusetts 01752, (hereinafter referred to as the "Assignee"), is desirous of acquiring the entire right, title and interest in and to the same invention, and in and to the said application, and any Letters Patent that may issue thereon;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for the above consideration, the Assignors have assigned and transferred, and do hereby assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest for the United States in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, substitutions, continuations, in whole or in part, re-examinations, and extensions thereof, and all applications claiming priority therefrom; and the Assignors hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as their interest is concerned, to the Assignee; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

The Assignors also have assigned and transferred, and do hereby assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest in and to the invention disclosed in said application, in all countries of the world foreign to the United States, including the right to file applications and obtain patents for said invention in its own name in said countries and including all rights of priority in said countries under the terms of any applicable international convention; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

The Assignors further agree to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights, and also agree, at the request of the Assignee, to testify in any legal proceedings, sign all lawful papers, make all lawful oaths, and generally do everything possible to aid said Assignee, its successors and assigns, to obtain, maintain and enforce patent protection for said invention in all countries.

Docket No. 50439-2 Page 2 of 2

The Assignors also hereby grant the law firm of EDWARDS & ANGELL, LLP, Dikc, Bronstein, Roberts & Cushman, IP Group, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.

Dated this 13 day of March , 200	21. LR Boustal
Dated this 15 day of M1912Lit ,200	Leon R. BARSTAD
Dated this 15 day of March, 200	James E. RYCHWALSKA
Dated this,,	Mark LEFEBVRE
Dated this,,	Stephane MENARD
Dated this day of,	James L. MARTIN
Dated this,,	Robert A. SCHETTY, III
	Michael TOBEN

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Apr 27 01 04:33p

Rob Schetty

FAX NO. 508 1 0383

P. 07

APR-27-2001 FRI 03:38 AM THARDS & ANGELL, LLP

Attorncy Docket No. 50439-2 Page 1 of 2

631-269-0132

ASSIGNMENT

WHEREAS, I, Leon R. Barstad of Raynham, Massachuetts, I, James E. Rychwaiski of Medway, Massachuetts, I, Mark Lefebvre of Hudson, New Hampshire, I, Stephane Menard of I, James L. Martin of Merrick, New York, I, Robert A. Schetty, III of Fort Salonga, New York and I, Michael P. Toben of Smithtown, New York, (hereinafter referred to as "Assignors"), have invented certain new and useful improvements in "ELECTROLYTIC COPPER PLATING SOLUTIONS", for which an application for United States Letters Patent was filed on June 28, 2000 and assigned U.S. Serial No. 09/605,442 which application claims priority of U.S. Serial No. 09/313,045, filed May 17, 1999, and

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Rob Schetty

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Docket No. 50439-2 Page 2 of 2

The Assignors also hereby grant the law firm of EDWARDS & ANGELL, LLP, Dike, Bronstein, Roberts & Cushman, IP Group, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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Dated this	day of,,	<u></u>
Dated this	day of,	Leon R. BARSTAD
Dated this	day of,,	James E. RYCHWALSKI
Dated this	day of	Mark LEFEBVRE
Dated this	day of	Stephane MENARD
Dated this Z	S day of Agent . 2	James L. MARTIN
Dated this	day of,,	Robert A. SCHETTY, III
		Michael TOBEN

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S. MENARD - M.P.C.

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Attorney Docket No. 50439-2 Page 1 of 2

ASSIGNMENT

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Docket No. 50439-2 Page 2 of 2

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IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.

Datest titls, day or,,	•
Dated this day of,	Leon R. BARSTAD
Dated this day of,,	James E. RYCHWALSKI
Dated this 25 day of April , 201.	Mark LEFEBYRE
Dated this day of,	Stephane Avto NARO
Dated this day of,	James L. MARTIN
Dated this,,	Robert A. SCHETTY, III
	Michael TOBEN

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Afterney Docket No. 50439-2 Page 1 of 2

ASSIGNMENT

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Docket No. 50439-2 Page 2 of 2

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Dated this	_ day of	·	
Dated this	day of		Leon R. BARSTAD
Dated this	day of		James E. RYCHWALSKI
Dated this	_ day of	<u> </u>	Mark LEFEBVRE
Dated this 10	day of APPLL	,2001.	Stephane MENARD
Dated this	day of		James L. MARTIN
Dated this 19	day of April	<u>3001</u> .	Robert A. SCHISTTY, III Michael TOBEN